

# August 2005

## Update: Crime Victim Rights Manual (Revised Edition)

### CHAPTER 4

#### Protection From Revictimization

##### 4.1 The Victim's Constitutional Right to Reasonable Protection From Revictimization by the Accused

Insert the following text on page 54 immediately before Section 4.2:

See also *Town of Castle Rock v Gonzales*, 545 US \_\_\_\_ (2005) (a person does not have a constitutionally protected property interest in having police officers enforce a restraining order obtained under state law even when the officers have probable cause to believe the order has been violated).

## CHAPTER 10

### Restitution

#### 10.2 Claims for Restitution Made After Sentencing or Disposition

Replace the last sentence in the partial paragraph at the top of page 312 with the following:

MCR 6.425(E)(1)(f)\* requires the court on the record to “order that the defendant make full restitution as required by law to any victim of the defendant’s course of conduct that gives rise to the conviction, or to that victim’s estate.”

In addition, delete the first sentence in the **Note** following the partial paragraph at the top of page 312.

\*Effective July 13, 2005. MCR 6.425(E)(1)(f) replaces the former MCR 6.425(D)(2)(f).

## CHAPTER 10

### Restitution

#### 10.8 Amount of Restitution Required

Insert the following case summary after the first paragraph on page 325:

In *People v Dewald*, \_\_\_ Mich App \_\_\_, \_\_\_ (2005), the defendant was convicted of false pretenses, common-law fraud, and larceny by conversion. During the 2000 presidential election and recount, defendant's political action committees (PACs) solicited \$700,000.00 in contributions from victims through letters that implied affiliation with either the Bush or Gore campaign and recount effort. The victims' donations were not contributed to the campaigns although some of the money was contributed to Democratic and Republican causes. The victims testified that they intended their contributions to go to the campaigns and recount efforts. The trial court ordered the defendant to pay restitution in an amount equal to the victims' contributions to the PACs less an amount seized by the Attorney General's office prior to trial. On appeal, defendant argued that the victims did not suffer any loss. The Court of Appeals disagreed, finding that the victims contributed money to the defendant's PACs intending it to go to the presidential campaigns, and none of the contributions actually did go to the campaigns. *Dewald, supra* at \_\_\_\_\_. In addition, the amount of restitution was proper even though defendant did not personally benefit to the extent of the amount of the restitution ordered. *Id.* at \_\_\_, citing *Lueth, infra*.